

Remarks/Arguments:

As an initial matter, an information disclosure statement (IDS) is enclosed and submitted under 37 CFR § 1.97(d) and MPEP § 609. Applicant recently discovered a two page press release, dated March 17, 2004, that is disclosed in that IDS. As the third paragraph of that press release recites a patent-pending technology, Applicant conducted a cursory search by inventor name and discovered the disclosed published patent application. No item of information cited in the attached IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after reasonable inquiry, no item of information contained in the attached IDS was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to filing this IDS. The above cursory search shall not be construed to imply that a thorough search was made, or that the disclosed published patent application represents any or all of the "patent-pending technology" referred to in the disclosed press release.

Claims 1-40 and 42-49 are pending, each of which are finally rejected by the Examiner in the Office action dated December 29, 2003 as either anticipated by Henson, or obvious over Henson in view of either Squilla or Chien. Independent claims to a system include claims 1, 11, 13 and 14; whereas independent claims to a method include claims 29 and 39. All independent claims are rejected under 35 U.S.C. § 102(e) per Henson.

Claim 1 is discussed as exemplary, though the arguments herein apply to each of the independent claims. Applicant has previously argued that neither Henson nor Squilla teaches or suggests "a manufacturing subsystem ... for manufacturing, at said user station, at least one component of said consumer product to have said desired design", wherein the desired design is defined by the user. This aspect is clearly described in the written description at page 2, line 5, which recites: "In general, the teachings of this invention pertain to a user station that gives consumers the ability to modify and customize the external appearance of a product that is manufactured at the user station." Further details of the manufacturing subsystem are provided at page 7, line 14 through page 9, line 6, and a user station 18 in Figure 1 is depicted as comprising a manufacturing subsystem 18F.

Under the subheading "Response to Arguments", the outstanding Office Action characterizes the Applicant's previous arguments as twofold: that a) "Henson's system is

remotely located, not manufactured at the user station", and b) "Henson does not refer to the actual building (manufacturing) of the computer machine". In response to a), the Office Action asserts that a commonly available web browser stores a design at both a remote site (server) and at the local computer as cookies. In response to b), the Office Action asserts that the user station is a manufacturing substation because a modified product can be printed out or saved at the local computer for other different purposes such as labels, barcodes, stickers, etc.

For clarity, Applicant has not contended that the pending claims distinguish over Henson in the computer storage location of a virtual design. The Applicant has argued that a distinguishing characteristic is that any manufacturing consistent with Henson is not at the user station.

First, Applicant respectfully requests withdrawal of the finality of the outstanding Office Action per MPEP § 706.07(e) because that Office Action relies on prior art not of record [MPEP § 706.07(a)]. Alternatively, the Applicant requests withdrawal of the substantive rejections themselves because, for each independent claim, Henson fails to disclose every claim element (MPEP § 2131.01). The Examiner has asserted that Henson anticipates a manufacturing subsystem for manufacturing at a user station at least one component of a consumer product, as recited for example in claim 1. In response to the Applicant's previous argument that Henson does not disclose such a manufacturing subsystem, the Examiner has introduced printing out or saving at a local computer a label, barcode or sticker as anticipating the claimed manufacturing subsystem. Henson is not seen to disclose local printing out or saving of a "modified product", label, barcode or sticker, and the Examiner has not contended that Henson does so disclose. If the Examiner is to take official notice of such, Applicant requests a more detailed statement of the specific matter of which notice is taken, and its relation to other prior art of record, so that the Applicant may fairly respond. As the Applicant understands the Examiner's comments, there is no assertion that Henson alone anticipates a user station comprising the claimed manufacturing subsystem. The reference is not seen to teach every element of the claims as required under MPEP § 2131, so the rejection to each independent claim under 35 U.S.C. 102(e) appears improper. Withdrawal of either the finality of the Office Action

(and issuance of a revised non-final Office Action), or of all rejections under 102(e), is requested.

Second, the Applicant does not fully grasp the Examiner's remarks, and requests clarification as to how Henson anticipates or makes obvious the claimed manufacturing subsystem. Claim 1 recites, for example, a user station comprising a user interface and a manufacturing subsystem. The user interface is for enabling a user to access a graphics server for defining a desired design to be placed on a consumer product. The manufacturing subsystem is for manufacturing, at the user station, at least one component of the consumer product to have the desired design. The pinpoint citations to Henson at page 3 of the Office Action (as applied against claim 1) refer to Henson's online store that is a component of an Internet website, through which a user configures a particular computer system. The Examiner appears to contend at page 3 of the Office Action that those teachings anticipate the claimed manufacturing subsystem, whereas the Examiner recites at page 9 of that same Office Action that a remote site builds the computer machine of Henson. However, as the Applicant noted in the previous Amendment, Henson explicitly teaches that the computer is built to order using the Internet (col. 1, lines 18-21); it is built, shipped, and delivered between one and five weeks following the order (col. 3, lines 30-33; col. 6 line 44 to col. 7 line 12; col. 14, line 55-57); and it is shipped to an address that is supplied by the user via the online store/Internet website (Figure 9). The Applicant is unclear as to how the Examiner construes Henson's remote building and shipping as anticipating the claimed manufacturing subsystem for manufacturing, at the user station, at least one component of the consumer product to have the desired design.

Both the above-cited passages of Henson, and those cited by the Examiner against the elements of claim 1 relating to the manufacturing subsystem, appear to teach directly away from the claimed manufacturing subsystem. The Examiner states at page 9 of the Office Action that, in Henson, "a remote site builds the computer machine according to the user description or design", referring to the "manufacture description design of the computer product". The Examiner further states that the "modified product can be printed out or saved at the local computer for other different purposes, such as: labels, barcodes, stickers, etc." Applicant is unclear what the Examiner considers in that context to be the

component of the consumer product that is manufactured at a manufacturing subsystem of a user station.

If the Examiner likens the remotely built computer of Henson to the consumer product of the claims, a barcode or sticker printed at a local computer does not fairly appear to be a component of that remotely built computer. Similarly, a sticker that is imprinted at a user's location with a series of computer system configuration options that a user selects at the Henson online store does not appear to be a desired *design* defined by a user to be placed on a consumer product, as recited in claim 1. Applicant is unsure whether or not the above is an accurate interpretation of the Examiner's comments in the final Office Action, and clarification is requested.

As the Applicant has previously noted, Henson discloses "home buyers" and "home customers" (at col. 12, lines 29-30 and col. 14, lines 53-55) who may access an online store/Internet website employing the Henson invention. Applicant has previously asserted that those terms contemplate a user accessing the Henson interface via a personal computer that may commonly be found in a home. Applicant is unaware of any personal computer in the prior art that could serve as a user station comprising a manufacturing subsystem as recited in the claims, and Henson does not teach such an apparatus. The Applicant hereby incorporates by reference the arguments made in the Amendment dated October 2, 2003, including those asserting that the combination of Henson and Squilla fail to render any of the claims obvious, and that Squilla also teaches away from a user station comprising a manufacturing subsystem. Chien is not seen to include teachings relevant to the above issues, and the Examiner does not contend that it does. Thus, Applicant asserts that no combination of the cited prior art anticipates or renders obvious the claimed invention.

The above discussion is directed specifically to the elements of claim 1 relating to the user station and its manufacturing subsystem. The remaining independent claims include claims 11, 13, 14, 29, and 39. Each of those distinguishes over Henson for the manufacturing subsystem aspects noted above. In addition to the exact language of claim 1 for the manufacturing subsystem, claim 11 recites that the user interface is for enabling a user to access a graphics program that implements graphics tools for enabling

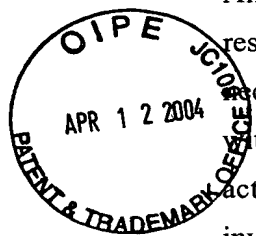
modification of predetermined images and designs, and for further enabling the creation of new designs and images. Henson is not seen to anticipate enabling the creation of new designs and images. The Examiner's reference back to the rejection of claim 1 without comment appears to indicate that this additional feature of claim 11 as compared to claim 1 has not been fully considered.

In claim 13, the user interface is for enabling a user to access a graphics program for defining a desired design to decorate at least one component of a mobile station. Henson is not seen to anticipate this mobile-station specific aspect of claim 13. The Examiner's conflation of a personal computer with a mobile station appears without support, for it appears to rely on the premise that one of ordinary skill would implement the Henson invention so that users could select a series of configuration options for the manufacture of a mobile phone. Applicant contends that is impermissible hindsight without support in the reference or in ordinary skill.

Claim 14 is directed to a user station, wherein the user interface is for enabling a user to access a graphics subsystem and the manufacturing subsystem is as recited in claim 1. Since Henson discloses only an online store/Internet website, Applicant is unclear how Henson can simultaneously anticipate both the user interface for enabling access to a graphics server of claim 1 and the user interface for enabling access to a graphics subsystem of claim 14. Clarification is requested.

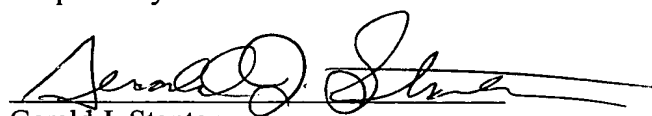
Claim 29 is a method claim reciting that a graphic server provides graphics tools for further enabling the creation of new designs and images. Henson is not seen to anticipate enabling the creation of new designs and images. The Examiner's reference back to the rejection of claim 1 without comment appears to indicate that this additional feature of claim 29 as compared to claim 1 has not been fully considered.

Claim 39 is also a method claim that recites enabling a user to access a graphics subsystem to define a desired design to be placed on a computer product. As Henson discloses only an online store/Internet website, Applicant is unclear how Henson can simultaneously anticipate both the central site graphics server of claim 29 and the user interface that enables a user to access a graphics subsystem of claim 39. Clarification is requested.



All independent claims stand rejected under 102(e). In light of the above, the Applicant respectfully requests the Examiner to either withdraw all rejections under 102(e) (and by necessity all rejections under 103 in this case) and pass all pending claims to issue, or withdraw the finality of the outstanding Office Action and issue a new non-final office action that clarifies how the cited art anticipates or makes obvious the claimed invention. Applicant welcomes the opportunity to resolve any matters that may remain or arise via teleconference, at the Examiner's discretion.

Respectfully submitted:


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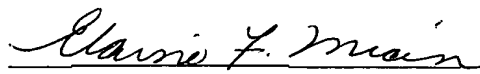
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April 9, 2004
Date


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